

SCARING & BRISSENDEN, PLLC

ATTORNEYS AT LAW

SUITE 501

666 OLD COUNTRY ROAD

GARDEN CITY, N. Y. 11530-2004

STEPHEN P. SCARING, P.C.

MATTHEW W. BRISSENDEN

TRACY A. AMATO

(516) 683-8500

FAX

(516) 683-8410

sscaring@scaringlaw.com

January 23, 2008

Via ECF and Federal Express

The Honorable Arthur D. Spatt
United States District Judge
Eastern District of New York
1020 Federal Plaza
Central Islip, NY 11722

Re: United States v. Sabhnani; 07 CR 429

Dear Judge Spatt,

Given the fact that Varsha Sabhnani is presently incarcerated, and the fact the Mahender Sabhnani has shown no inclination to abscond or disobey the Court's directives, we are writing to respectfully request a reduction in the number of Stroz Friedberg personnel required at the Sabhnani's home.

At the present time, two armed guards are present twenty-four hours a day. One of these individuals guards the entrance to the home, while another monitors computer, telephone, fax and email communications to and from the home. In particular, we are asking the Court to relax the requirement that all electronic communications be monitored - a labor intensive and expensive task. As the Court is aware, a lengthy pretrial investigation by the accounting firm of Adams & Becker revealed no hidden assets, offshore accounts, or any other evidence that the Defendants were seeking to abscond from the jurisdiction. Moreover, to the extent that Mahender Sabhnani previously presented any risk of flight, such risk has been dramatically reduced by his wife's incarceration.

Throughout the course of these proceedings, Mahender Sabhnani has demonstrated an unwavering loyalty to his wife, despite the dramatic accusations and withering press coverage. The couple as been married for twenty-seven years and has four children – all of whom currently reside

SCARING & BRISENDEN, PLLC

at 205 Coachman Place. The children are all highly assimilated, United States citizens; two of the girls, Dakshina and Tina are enrolled at Pace University, while Rahul, a senior at Syosset High School, is in the midst of the college application process. It is simply inconceivable that, after standing by Varsha Sabhnani throughout the course of the trial, Mahender would now elect to abandon his wife and children to flee the jurisdiction.

As the Court is aware, all but two entrances to the home have been sealed. The house remains locked and alarmed at all times, and only Stroz Friedberg has access to the house and vehicle keys. In addition, Mr. Sabhnani has been fitted with an electronic bracelet and is subject to electronic monitoring by Probation. All significant financial transactions are reviewed and approved by Adams & Becker. Finally, the Defendant has posted \$4.5 million in bail. Under these circumstance, we frankly feel that monitoring all communications to and from the home is an unnecessary and exorbitant precaution. As a result, we would respectfully ask the Court to remove that requirement from its post-trial detention order, and to permit Mahender's continued home detention with a single armed representative from Stroz Friedberg.

At the present time, Mahender Sabhnani is under extraordinary financial strain, and is realistically concerned about his ongoing ability to defend his own and his wife's interests at sentencing and on appeal. We thank you for your consideration.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stephen P. Scaring", with a stylized flourish at the end.

Stephen P. Scaring

cc: AUSA Mark Lesko (via ECF and Email)
Jeffrey Hoffman, Esq. (via ECF and Email)